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I

98TH CONGRESS
2D SESSION

H. R. 5150

To amend title 18 of the United States Code to provide Federal prohibitions against certain crimes affecting Federal officers and employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 1984

Mr. CONYERS introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To amend title 18 of the United States Code to provide Federal prohibitions against certain crimes affecting Federal officers and employees, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Officials Protection Act of 1984".

AMENDMENT OF ASSAULTS CHAPTER

SEC. 2. (a) Section 111 of title 18 of the United States Code is amended to read as follows:

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"§ 111. Attacks upon officers and employees of the United States, and related persons

"(a) Whoever, with intent to impede, intimidate, or interfere with a federally protected officer in the performance of official duties, or retaliate against that officer on account of the performance of such duties, knowingly—

"(1) uses physical force and thereby recklessly causes serious bodily injury to such officer; or

"(2) uses a dangerous weapon and thereby recklessly causes bodily injury to such officer;

or attempts to do so, shall be fined not more than $250,000 or imprisoned not more than five years, or both.

"(b) Whoever, with intent to impede, intimidate, or interfere with a federally protected officer in the performance of official duties, or retaliate against that officer on account of the performance of such duties, knowingly uses physical force and thereby causes bodily injury to that officer shall be fined not more than $250,000 or imprisoned not more than three years or both.

"(c) Whoever, with intent to impede, intimidate, or interfere with a federally protected officer in the performance of official duties, or retaliate against that officer on account of the performance of such duties, knowingly—

"(1) uses physical force in a manner likely to cause serious bodily injury to, and thereby creates a substantial risk of such injury to, that officer; or

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"(2) uses a dangerous weapon in a manner likely to cause bodily injury to, and thereby creates a substantial risk of such injury to, that officer;

shall be fined not more than $250,000 or imprisoned not more than three years, or both.

"(d) Whoever knowingly uses physical force against the person of a federally protected officer and thereby intentionally impedes, opposes, or interferes with the performance of that officer's official duties shall be fined not more than $100,000 or imprisoned not more than one year, or both.

"(e) As used in this section—

"(1) the term 'federally protected officer' has the meaning given such term in section 1114 of this title;

"(2) the term 'bodily injury' means—

"(A) a cut, abrasion, bruise, burn, or disfigurement;

"(B) physical pain;

"(C) illness;

"(D) impairment of the function of a bodily member, organ, or mental faculty; or

"(E) any other injury to the body, no matter how temporary;

"(3) the term 'serious bodily injury' means bodily injury that involves—

"(A) a substantial risk of death;

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"(B) unconsciousness;

"(C) extreme physical pain;

"(D) protracted and obvious disfigurement; or

"(E) protracted loss or impairment of the function of a bodily member, organ, or mental faculty;

"(4) the term 'physical force' means physical action against another and includes confinement; and

"(5) the term 'dangerous weapon' means a firearm, destructive device, or other weapon, device, instrument, material, or substance, which as used or intended to be used is capable of producing death or serious bodily injury.".

(b) Chapter 7 of title 18 of the United States Code is amended by adding at the end the following:

"§ 115. Attacks on family members of certain protected persons

"(a) Whoever, with intent to impede, intimidate, or interfere with a federally protected officer in the performance of official duties, or retaliate against that officer on account of the performance of such duties, engages in conduct directed against an immediate family member of such officer which, if directed against that officer, would violate section 111 of this

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title, shall be punished as provided in that section for the offense such violation would constitute.

"(b) Whoever, with intent to impede, intimidate or interfere with a United States official in the performance of official duties, or retaliate against that official on account of performance of such duties, engages in conduct directed against an immediate family member of such official which, if directed against a federally protected officer (as defined in section 1114 of this title), would violate section 111 of this title, shall be punished as provided in that section for the offense such violation would constitute.

"(c) As used in this section, the term—

"(1) 'immediate family member' of an individual means—

"(A) that individual's spouse, parent, brother or sister, child or person to whom such individual stands in loco parentis; or

"(B) any other person living in such individual's household and related to the individual by blood or marriage; and

"(2) 'United States official' has the meaning given such term in section 1114 of this title.".

(c)(1) The item in the table of sections at the beginning of chapter 7 of title 18 of the United States Code which relates to section 111 is amended to read as follows:

"111. Attacks upon officers and employees of the United States.".

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(2) The table of sections at the beginning of chapter 7 of title 18 of the United States Code is amended by adding at the end the following new item:

"115. Attacks on family members of certain protected persons.".

AMENDMENT OF EXTORTION AND THREATS CHAPTER

SEC. 3. (a) Chapter 41 of title 18 of the United States Code is amended by adding at the end the following:

"§ 880. Threats against officers and employees of the United States

"Whoever communicates a threat to violate section 111(a) or 1114 of this title and thereby intentionally impedes or interferes with the performance of that officer's official duties, shall be fined not more than $100,000 or imprisoned not more than one year, or both.".

(b) The table of sections at the beginning of chapter 41 of title 18 of the United States Code is amended by adding at the end the following:

"880. Threats against officers and employees of the United States.".

AMENDMENT OF HOMICIDE CHAPTER

SEC. 4. Section 1114 of title 18 of the United States Code is amended to read as follows:

"§ 1114. Protection of officers and employees of the United States

"(a)(1) Whoever, with intent to impede, intimidate, or interfere with a federally protected officer in the performance of official duties, or retaliate against that officer on account of

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the performance of such duties, kills that officer or an immediate family member of that officer shall be punished as is provided under sections 1111 and 1112 of this title.

"(2) Whoever, with intent to impede, intimidate, or interfere with a United States official in the performance of official duties, or retaliate against that official on account of the performance of such duties, kills an immediate family member of that official shall be punished as is provided under sections 1111 and 1112 of this title.

"(b) Whoever attempts to commit an offense which subsection (a) of this section makes punishable as provided in section 1111 of this title shall be fined not more than $250,000 or imprisoned not more than ten years, or both.

"(c) As used in this section—

"(1) the term 'federally protected officer' means—

"(A) any officer, agent, or employee of the United States authorized by law to engage in the detection, investigation, or prosecution of any violation of Federal criminal law;

"(B) a Federal judge in a court established by or under article III of the Constitution of the United States;

"(C) a United States magistrate;

"(D) a Federal juror;

"(E) a probation officer;

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"(F) a pretrial services employee;

"(G) an individual employed in prison work pertaining to prisoners held under authority of Federal law;

"(H) an officer or employee of—

"(i) the National Security Agency;

"(ii) the Central Intelligence Agency;

"(iii) the Bureau of Intelligence and Research of the Department of State;

"(iv) the office of the Director of Central Intelligence;

"(v) the Defense Intelligence Agency;

"(vi) the intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Department of the Treasury, and the Department of Energy; and

"(vii) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaisance programs;

"(I) any officer or employee of the Postal Service;

"(J) any officer or enlisted person of the Coast Guard;

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"(K) any officer, employee, or agent of the customs or of the internal revenue or any person assisting such officer, employee, or agent in the execution of official duties;

"(L) any immigration officer;

"(M) any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals;

"(N) any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program, or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control, eradication, or prevention of the introduction or dissemination of animal diseases;

"(O) any officer or employee of the National Park Service;

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"(P) any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management;

"(Q) any officer or employee of the Indian field service of the United States;

"(R) any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration;

"(S) any security officer of the Department of State or the Foreign Service;

"(T) any officer or employee of the—

"(i) Department of Health and Human Services;

"(ii) Consumer Product Safety Commission;

"(iii) Interstate Commerce Commission;

"(iv) Department of Commerce;

"(v) Department of Labor;

"(vi) Department of the Interior; or

"(vii) Department of Agriculture;

"(viii) Department of Education;

assigned to perform inspection functions;

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"(U) any officer or employee of the Federal Communications Commission performing inspection functions;

"(V) any examiner, claim agent, or other employee of—

"(i) the Federal Deposit Insurance Corporation;

"(ii) the Federal Savings and Loan Insurance Corporation;

"(iii) the Comptroller of the Currency;

"(iv) the Federal Home Loan Bank Board;

"(v) the Board of Governors of the Federal Reserve System;

"(vi) a Federal Reserve bank; or

"(vii) the National Credit Union Administration;

"(W) any officer or employee of the United States or any agency thereof designated to collect or compromise a Federal claim in accordance with sections 3711 and 3716 through 3718 of title 31 or other Federal law;

"(2) the term 'United States official' means any individual designated in section 1751(a)(1) of this title or any individual who is a Member of Congress or

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Member-of-Congress-elect, a member of the executive branch of the Government who is the head of a department listed in section 101 of title 5, or the Director of Central Intelligence; and

"(3) the term 'immediate family member' of an individual means—

"(A) that individual's spouse, parent, brother or sister, child or person to whom such individual stands in loco parentis; or

"(B) any other person living in such individual's household and related to the individual by blood or marriage.".

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